



Attorney Docket No. RTI 128R-13996US02

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Applicants:

Grooms, Jamie M., et al.

Application Serial No.: 09/960,256

Filed: September 20, 2001

For: "Method of Preparing and  
Processing Transplant Tissue"

Prior Group Art Unit: 1651

Examiner: Jean C. Witz

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date:

February 02, 2004

Donald J. Pochopien

Registration No. 32,167

Attorney for Applicants

RESPONSE TO RESTRICTION UNDER 35 U.S.C. § 121  
AND PRELIMINARY AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby respond to the Official Communication of October 02, 2003 restricting the Applicants' claimed invention, and for which a response was due November 02, 2003, now extended three (3) months to February 02, 2004. In the Official Communication, the Patent Office contended that the following three (3) inventions were being claimed:

- Group I: Claims 1-8, drawn to a method of processing collagen based tissue;
- Group II: Claims 9-12, drawn to an implant cleaning, perfusion and passivation process; and
- Group III: Claims 13-34, drawn to methods of decellularizing and inactivating viruses in tissue.

In response, the Applicants elect to prosecute the claims of Group I with traverse. Specifically, the Applicants traverse and argue that Group 3 should be combined as a subspecies of the claims of Group I, since the decellularizing step is the same in both methods. Consistent with that position, the Applicants have amended claims 13-20 (inactivating viruses) and claims 21-34 (defining the decellularizing agent) to ultimately depend from claim 1. For these reasons, claims 1-8 and 13-34 (as amended) are directed to a single invention.

In the event that any additional fees are required at this time, the Applicants hereby authorize the Assistant Commissioner to charge any fees to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd.